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ABSTRACT

The family and juvenile court system in the United States is overwhelmed with the number of court cases involving the incarceration of young people. The proceedings of this conference, the goal of which was to find alternatives to incarceration and improve efficiency of the juvenile court system, are summaries of the following 22 presentations: (1) The Nothing Works Myth Is Dead; (2) Addicted Babies: A Brighter Future; (3) Boot Camps; (4) Boys Town: It Isn't Just for Boys; (5) Case Management: Breaking The Cycle of Organizational Dysfunction; (6) Case Management in Juvenile Justice: Concepts and Development; (7) Challenge Programs--Dispositions for the "Challenging" Child; (8) Confronting Professional Liability; (9) Criminal Prosecution of Kids--Have We Gone Too Far?; (10) Cross-Cultural Investigations/Court Reports; (11) Dealing With Today's Hate Crimes and Criminals; (12) Firestarters: Can They Be Stopped?; (13) Freedom Program: Commitment Deferred; (14) Intensive Supervision: The Key to Aftercare; (15) Prevention And Treatment: Comprehensive Programs; (16) The Probation Officer and The Law; Restitution--Has It Proven Its Worth?; (17) Results-Oriented Interviewing; (18) San Antonio Boys Village: A Different Model; (19) Success-Oriented Dispositions; (20) Technology As A Disposition Tool; (21) Teen Court; and (22) The Youthful Female Offender: The P.A.C.E. Center for Girls. An order form for the individual sessions, which have been audio taped, is included. (MSF).

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The 12th Annual Triple Header

Workshop Proceedings

 *Dispositions on Trial - What Works?*

 *Probation Officer in Juvenile Court*

 *Case Management in Juvenile Justice*

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The National Council of Juvenile and Family Court Judges

In Cooperation with:
*The National Juvenile and Court Services Association,
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-  *Dispositions on Trial - What Works?*
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National Consortium on Alternatives for Youth at Risk, Inc.

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Dear Colleague:

The *National Consortium on Alternatives for Youth at Risk, Inc. (NCAYAR)* is a non-profit organization that researches and disseminates information on the needs of at-risk youth and on programs that are meeting these needs. The Consortium was established by more than 50 juvenile justice professionals, including judges, probation officers, court administrators and social service workers.

The family and juvenile court system in this country is overwhelmed with the number of court cases involving the incarceration of young people. The growing concern of the juvenile court officials to find alternatives to incarceration and to improve the efficiency of the juvenile court system is the impetus for a new partnership between the National Council of Juvenile and Family Court Judges, the National Juvenile Court Services Association, the American Probation and Parole Association, and NCAYAR. This partnership formally surfaced at the National Council of Juvenile and Family Court Judge's *The 12th Annual "Triple Header" Conference* in Sarasota, Florida, on April 25-29, 1993.

NCAYAR's board of directors felt it was important to share conference information with as broad an audience as possible. These conference proceedings are being distributed to more than 2,500 agencies, organizations and individuals throughout the nation who work with at-risk youth. The sessions related to dispositions of young offenders were taped and an order form is on page 24 of the proceedings. I anticipate that you will find the information useful as you strive to improve services to young people.

The information for these proceedings was compiled from notes taken by volunteers and written materials provided in the conference notebooks. Conference presenters have not provided any other direct input into these proceedings. The proceedings include the name(s), address(es) and phone number(s) of each session presenter. I encourage you to contact them directly if you have questions on a particular session. Also, please feel free to give NCAYAR staff a call on our toll-free number (800) 245-7133 for information on conference sessions, other alternatives for at-risk youth or NCAYAR.

I would like to acknowledge and thank the BC Lingle Trust, the Beer Institute Community Assistance Fund and the Selby Foundation for providing funding for these proceedings, the conference taping and NCAYAR's involvement in the partnership. It is through the support of organizations such as these and partnerships such as the one formed through the 12th Annual "Triple Header" Conference that we will be able to make a difference.

Sincerely,

Helen Lingle, Executive Director
National Consortium on Alternatives for Youth At Risk

Table of Contents

<u>Opening Keynote:</u>	
<i>The Nothing Works Myth is Dead</i>	1
Paul Hahn, Ph.D.	
	
<i>Addicted Babies: A Brighter Future</i>	1
Cynthia Bearer, M.D.	
<i>Boot Camps</i>	2
Honorable Raymond Kickbush	
Commander Lee Vallier	
<i>Boys Town: It Isn't Just For Boys</i>	3
Pauline Patrick	
<i>Case Management: Breaking the Cycle of Organizational Dysfunction</i>	4
Brian Bemus	
<i>Case Management in Juvenile Justice: Concepts and Development</i>	5
Todd R. Clear, Ph.D.	
Brian Bemus	
<i>Challenge Programs - Dispositions for the "Challenging" Child</i>	7
Mike Muley	
Bob Weaver	
<i>Confronting Professional Liability</i>	8
Roland del Carmen, Ph.D.	
<i>Criminal Prosecution of Kids - Have We Gone Too Far?</i>	11
Bernard Katz	
Jane Tewksbury	
Don Wydra	
<i>Cross-Cultural Investigations/Court Reports</i>	12
Honorable Glenda H. Johnson	
Honorable Janice Brice-Wellington	
<i>Dealing With Today's Hate Crimes and Criminals</i>	13
Honorable Linda Chezem	

<i>Firestarters: Can They Be Stopped?</i>	14
Carol Gross	
<i>Freedom Program: Commitment Deferred</i>	14
Bob Cavakis	
<i>Intensive Supervision: The Key to Aftercare</i>	15
Milton Robinson, Ph.D.	
<i>Prevention and Treatment: Comprehensive Programs</i>	16
Larry Baxter	
<i>The Probation Officer and the Law</i>	17
Honorable Raymond Novak	
<i>Restitution—Has It Proven Its Worth?</i>	18
Gordon Bazemore, Ph.D.	
<i>Results-Oriented Interviewing</i>	19
Steve Sampson, Ph.D	
<i>San Antonio Boys Village: A Different Model</i>	20
Robert Beaumont	
<i>Success-Oriented Dispositions</i>	21
Chris Card	
<i>Technology as a Disposition Tool</i>	21
Harvey Goldstein	
<i>Teen Court</i>	22
Katie Self	
Honorable Paul E. Logan	
<i>The Youthful Female Offender: The P.A.C.E. Center for Girls</i>	23
Vicki Burke	
<i>Audio Cassette Tape Order Form</i>	24

"The Nothing Works Myth is Dead"

(Opening Keynote)

It is time that we put aside the attitude and views that nothing works and that we should put our faith into punishment as a solution to our problems. Children are speaking out with their behavior. Society relies on the juvenile justice system to solve youth problems. Many children, however, do not respond to deterrence, especially when they are struggling to survive. Our focus must be shifted to promoting basic life skills, teaching communication, caring and sharing, rather than hurting and hitting. Services must be delivered with attention rather than detention in mind.

Highlights:

- ✓ We as professionals must stay current by meeting with groups of youth.
- ✓ It is estimated that 3.3 million children see their parents assault each other every year.
- ✓ Many children today are: alienated early from their families; dehumanized through sub-human living conditions; and brutalized by street and media violence.
- ✓ There is an expectation by the nation that the juvenile justice system should cure many of the problems associated with youth.
- ✓ Emulating the adult system is not the right way to go. The get-tough mentality has not and will not work.

Presenter:

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"Addicted Babies: A Brighter Future"

Studies have not indicated that there is any permanent damage to cocaine babies. There is, however, evidence that intake of some substances may have an effect on fetal and/or post-partum development. Thalidomide is an example of a substance known to have an effect on fetal development. The French were the first to recognize that alcohol may have an effect on pregnancy. The term Fetal Alcohol Syndrome (FAS) was coined in 1973. Some women can drink and have normal babies and others who drink moderately and/or abusively can have babies with FAS symptoms. The reasons for FAS are unknown. Addicted babies, FAS included, can be prevented through: risk assessment; education of at-risk populations, physicians and the entire population; and increasing accessibility and quality of pre-natal care.

Highlights:

- ✓ Science of Risk Assessment includes, but is not limited to, the following components:
 - Minimizing risk by identifying risky behaviors.
 - Obtaining historical data.
 - Identifying the various types of risky behavior associated with the problem (e.g., a person who consumes many different types of carcinogens may be at higher risk of cancer).
 - The magnitude of risk can be determined by comparing exposures to a given risk behavior or the method of expression of a given risk behavior to the average amount of risk behavior over time.
- (It is important to note that the Science of Risk Assessment has many uncertainties.)
- ✓ Characteristics of FAS babies: Small head circumference, post-natal growth retardation, small eyes or eye slits, thin upper lip, and central nervous system dysfunction.
- ✓ FAS can lead to mental retardation.
- ✓ Family environment from follow-up studies of FAS babies: 9% live with both parents, 10% live with their father, 3% live with their mother, 26% live with relatives, 19% are adopted, 19% live in foster homes. (Editor's note: No information was given as to the reason for these family environments. For instance, parental divorce, death, desertion, etc., could have played a role.)
- ✓ Six percent of the FAS babies are now in regular classes without special education or other type of assistance.

Presenter:

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"Boot Camps"

In the past ten years 28 states have developed Boot Camps for young adults. In March 1993, Manatee County Sheriff's Department, in cooperation with the State of Florida, started one of four juvenile Boot Camps in the state. Due to the high cost of incarceration and high recidivism rates of the existing system, Boot Camps have become very popular. The Manatee Camp is based on a para-military style organization with strong educational and aftercare components. The physical part of the program is designed to take control of the youth and to set the stage for changing his/her belief and value system. Youth are held accountable for their behavior. Aftercare is the most important part of the program.

Highlights:

- ✓ The basis behind Boot Camps is habilitation rather than rehabilitation.
- ✓ The average stay in juvenile Boot Camps is 120 days.

- ✓ Boot Camps are cost effective and preliminary information shows that 40-60% of those who leave camps remain in the community successfully.
- ✓ Public approval for Boot Camps seems to be high. They see it as a more "constructive" form of punishment.
- ✓ An objective for Boot Camps is to instill in the juvenile self-discipline, self-responsibility, self-respect, self-esteem, self-motivation, and a solid work ethic.
- ✓ Boot Camps generally provide a safer and more positive environment than regular juvenile facilities.

Presenters:

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"Boys Town: It Isn't Just For Boys"

Currently, there are eleven Boys Town sites throughout the United States. They provide direct services to 16,500 young people. Boys Towns operate on a 90 million dollar budget, 80 million of which is used to provide direct services to kids. The program is composed of 2/3 boys and 1/3 girls. Boys Town has shelters in New Orleans, Long Beach and New York. It has also developed a nationwide database. Its residential philosophy is family, which includes several couples who work together as teachers. Children are never turned down due to lack of money. Boys Town also has a national training center and hotline. Boys Town estimates that through its services they reach over 1/2 million young people.

Highlights:

- ✓ The home campus of Boys Town is in Omaha, Nebraska.
- ✓ The National Training Center provides training for teachers, administrators, psychiatric hospital employees and others in behavior management.
- ✓ Profiles are developed on all clients prior to enrollment to determine their specific needs. Is the need residential? home services? Can the child handle a non-restrictive home setting?
- ✓ Homicidal and suicidal kids are not accepted.
- ✓ 50% of the girls have a history of sexual abuse.
- ✓ Agency involvement is preferred for all children placed in Boys Town.

- ✓ The normal age range is 10-17; however, some younger children have been accepted when they are in therapeutic foster care.
- ✓ There are 3 staff to every 6 children, with the average stay of 6 months.

Presenter:

Pauline Patrick, Director
 Father Flanagan's Boys Town
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"Case Management: Breaking the Cycle of Organizational Dysfunction"

Insufficient funding is a primary problem in most social organizations today. This lack of funding has contributed to organizational dysfunction. It is, however, true that some organizations that have sufficient funding still have dysfunction. A common thread for dysfunctional organizations is the lack of mission and/or the staff not knowing what the mission is. Some organizational dysfunction can be remedied through effective case management techniques. Good case management systems are designed around the line supervisor rather than the line worker and have the following functions: mission, classification, standards, workload and evaluation. In order to ensure quality, the case management system must be continually monitored and modified as necessary.

Highlights:

- ✓ Case management is a balance between resources, goals and clients' (offenders') needs. If these are not balanced well, the agency is generally not operating efficiently.
- ✓ Seldom do organizations set realistic goals, identify appropriate resources or assess the client in relationship to the goals and resources.
- ✓ If you and others in your organization do not know the mission or have a common mission, there is no measures for evaluating movement and there can be no indication of success.
- ✓ The proportional value of the organization can be measured by: "What am I getting back for my money?" A mission can be defined in terms of proportional value.
- ✓ Classification includes the case plan, workload and quality management system.
- ✓ An organization perception that exists is that it is impossible to do the job because there are too many demands. This perception must change if we are to move forward.
- ✓ Standards within an organization will set priorities and the program/case plan. A key question that needs to be answered is: "What is to be accomplished?"

- ✓ The Case Plan is an articulation of your expectations and the client's expectations.
- ✓ An individual or organization's workload is those things for which they are accountable. Obviously, an unrealistic workload will create organizational dysfunction.

Presenter:

Brian Bemus, Program Manager
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"Case Management in Juvenile Justice: Concepts and Development"

The "Case Management Track" was conducted in both a lecture and small group discussion format. The following information is a summary of the basic information covered in the four days. For more information on development of case management systems contact the references at the end of this section and/or the National Council of Juvenile and Family Court Judges.

The Case Management concept is a vehicle or a tool to ensure the most efficient delivery of required services to a target group, in this case, delinquent youth. The development of a Case Management System requires the understanding and appropriate utilization of the following components:



It was emphasized that the defined mission dictates the overall Case Management System and each individual component.

Classification System:

The development of a Case Management System begins with the development of a classification system. This classification system should be based on one or more of the following: risk assessment, a needs assessment instrument and an instrument termed a "decision tree."

The risk instrument, being a predictor, has built-in non-reliability. The needs assessment instrument which measures the "current situation" is more accurate, but only if it is completed in a reliable and accurate manner. It was noted that it is important to test reliability of the needs assessment instrument. The "decision tree" sets up categories as identified by individual client characteristics that match a program or strategy resident in the agency or community. It is considered to be the most reliable method of classification. It was stressed that all classifications should be assessed and reassessed on a regular basis.

Case Management Standards:

Case Management Standards identify the responsibilities of the case worker and the client as well as the expected result of the application of standards (responsibilities). It was noted that standards can be set using an "ideal situation," which may prove unattainable. Standards may also be based on a perception of the "achievable." It is, however, important to realize that the "achievable" may convey a lack of importance; therefore, a balance between these two should be the goal.

Workload Accounting:

Workload Accounting is the process of determining those resources required to assist a client and comparing them to the resources available (e.g., the time it will take to assist a client to reach the standards is 'X' and the time an individual or agency has available to commit to the client is 'Y'). The process begins with a time study. This process should be prescriptive rather than descriptive. In other words, it is designed to estimate the time to accomplish a task rather than the time spent on a task.

Case Planning:

Case Planning involves the development of goals, objectives and activities for a particular client. The implementation of this plan should result in appropriate client and employee behavior. It should also include the expected outcomes for each behavior and how those outcomes will be measured. The case plan should require classification as a primary component and adhere to all case standards and requirements. As with other components, this plan should be assessed and reassessed to ensure quality.

Quality Assurance:

Quality Assurance is a system or methodology employed to determine accuracy and applicability of the case management system. It includes identification of successes as well as needs and gaps. The case plan should be assessed to ensure policy and procedure adherence. In some cases, it also includes a cost-benefit analysis. Case tracking and quality assurance are managed through the management information system.

Management Information System:

The Management Information System attempts to relate overall Case Management to quality assurance. In the past this has been done through tracking of written reports and has been managed

through a hard-file system. Most agencies are currently using both manual and electronic management systems. In the future, this will be done using an electronic tracking system. Many management information systems also include a "core team" of individuals who meet on a regular basis to monitor and recommend services.

Presenters:

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Management Information System Resources:

Jo Gustafson NIC Information Center Boulder, Colorado (303) 682-0213	"Texas Logic" Software Package Vern Fogg Colorado Department of Justice Denver, Colorado (303) 861-1111	Software Package National Council on Crime and Delinquency Madison, WI (608) 274-8882 or Pittsburgh Office (412) 227-6950
Robert Cashman San Jose, California (408) 299-3285	"Cognitive Restructuring" Vern Fogg Colorado Department of Justice Denver, Colorado (303) 861-1111	"Cognitive Restructuring" Ray Gengerick (512) 288-4079

"Challenge Programs - Dispositions for the 'Challenging' Child"

Challenge programs are designed to assist youth with motivation and building self-esteem. Two challenge programs were discussed in this session: Outward Bound and Associated Marine Institutes. Outward Bound was established in 1976 and is a 28-day intensive, physical exertion program. In order to participate youth must not be violent or have health problems. The primary weakness of Outward Bound has been aftercare. FEL, a program of the Associated Marine Institutes (AMI), is an 18-month program. The AMI has three goals: to reduce or eliminate recidivism, to increase vocational skills and to increase academic skills. It has a 90% success rate and has a strong aftercare program.

Highlights:

- ✓ Outward Bound is not a Boot Camp. Individual participants receive team support to accomplish the course.

- ✓ Aftercare from Outward Bound is not very structured; in turn, most participants are scheduled to return to probation after completion of the course.
- ✓ There are three phases to an Outward Bound course:
 - Orientation--includes a screening process for medical and violent behaviors.
 - Expedition--assignment of duties and responsibilities and general education.
 - Final Expedition--where the leadership is turned over to the students with the team leaders changing daily. It also includes a solo experience on the 11th or 12th day.
- ✓ Community service is also part of the Outward Bound experience. Each group is required to give something back to the area.
- ✓ Girls tend to be the most successful in the Outward Bound course.
- ✓ FEI/Marine Institutes are residential and non-residential and are designed around a marine environment.
- ✓ Marine Institute activities include such things as diving, seamanship, aquatics and sailing.
- ✓ The length of stay in a Marine Institute varies from 6 - 12 months.
- ✓ The AMI staff to student ration is 1:7.
- ✓ AMI students spend half their time in the classroom and half engaged in "hands-on" learning.
- ✓ AMI uses a point reward system as a motivator. Students earn points and then use them to bid on special trips or activities.
- ✓ A primary goal of the AMI is to improve academic skills such as reading, math and language. During the past year over 200 students have earned their GEDs through AMI.

Presenters:

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"Confronting Professional Liabilities"

Liability is a concern to all professionals, including the probation officer. In order to demonstrate liability, negligence must be shown. Negligence is not doing what a reasonably prudent person would have done in a similar situation. Liabilities exist related to state and federal laws. These liabilities have three components: civil, criminal and administrative. Liability under state tort law for negligence requires: a duty on the part of the officer or department to act with care toward the plaintiff; a breach of that duty; damages to the plaintiff as a result of the breach; and a direct link between the breach of duty and the harm suffered. The bottom line for public officials is to follow the policies and procedures outlined in their job manuals and there will be no personal liability.

Highlights:

- ✓ The first juvenile court was established in Cook County, Illinois, in 1899.
- ✓ The RE GAULT, 387 U.S. 1 (1967) case provided juveniles the same rights as adults within the justice system.

- ✓ No right, including a constitutional right, is absolute. Most notably this comes into play when one is charged with contempt of court.
- ✓ There have only been 20 juvenile cases that have had a Federal Supreme Court ruling.
- ✓ The term *parens patriae* means assuming a parental role when escorting juveniles through the court systems.
- ✓ The U.S. Supreme Court has decided that officers must give the Miranda Warning when interrogating juveniles.
- ✓ The HANDS OFF doctrine ended in 1983.

Summary of Laws and Liability Issues:

A tort is "a wrong in which the action of one person causes injury to the person or property of another person in violation duly imposed by law."

Types of Torts:

1. Intentional:
 - Physical: battery, assault, false arrest, false imprisonment, conversion, and wrongful death.
 - Nonphysical: defamation, invasion of privacy, misrepresentation of facts, and malicious prosecution.
2. Negligence Tort: Negligence is defined as doing that thing which a reasonably prudent person would not have done; it is the failure to exercise that degree of care and prudence that a reasonably prudent person would have exercised in like or similar circumstances.
 - Simple Negligence: key factor is reasonable and prudent person would use
 - Gross Negligence: key factor is reckless disregard for
 - Willful Negligence: key factors are willfully engages in the act and is aware that they did

Type of Liability	State	Federal
Civil Liabilities	1. State Tort Law: Such as actions for false arrest, use of excessive force, wrongful death, negligence, etc. 2. Actions for violations of rights guaranteed under state constitution 3. State civil rights law (if any)	1. Title 42 of US Code. Section 1983 - Civil Action for Deprivation of Civil Rights 2. Title 42 of US Code. Section 1985 - Civil Action for Conspiracy to Deprive a Person of Civil Rights. 3. Title 42 of US Code. Section 1997e - Civil Rights of Institutionalized Persons to Act
Criminal Liabilities	1. State Penal Code provisions especially aimed at public officers for such crimes: • official oppression; • official misconduct; and • violation of the Civil Rights of Prisoners 2. Regular Penal Code provisions punishing such criminal acts as assault, battery, serious bodily injury, homicide, etc.	1. Title 18 of US Code, Sect. 242-Criminal Liability for Deprivation of Civil Rights 2. Title 18 of US Code, Sect. 241- Criminal Liability for Conspiracy to Deprive a person of Rights

Type of Liability	State	Federal
Administrative Liabilities	State Agency rules, guidelines and consequences vary from one agency to another	Federal Agency rules, guidelines and consequences vary from one agency to another

Constitutional Rights

First Amendment	Freedom of religion, speech, press, to assemble and petition the Government for redress of grievances.
Fourth Amendment	Prohibition against unreasonable searches and seizures.
Fifth Amendment	Right to: grand jury indictment for capital or otherwise infamous crimes; against double jeopardy; against self-incrimination, and against the taking of life, liberty or property without due process.
Sixth Amendment	Right to: a speedy trial, an impartial jury, to be informed of the nature and cause of the negative accusation, to be confronted with negative witnesses, and to have counsel.
Eighth Amendment	Prohibition against excessive bail and cruel and unusual punishment.
Fourteenth Amendment	Right to: privileges and immunities of citizens, due process and equal protection under the law.
Other Federal Rights	Right to: privacy, travel, procreate and engage in political activity.

Differences Between Adult and Juvenile Proceedings

Adult	Juvenile	Adult	Juvenile
Criminal in nature	Civil in Nature	Arrested	Taken into custody
Charged	Petition to adjudicate	Penal Code	Family/Juvenile Code
Given a trial	Adjudicated	Found guilty of criminal offense	Found having engaged in delinquent behavior
Sentenced	Dispositioned	Sent to jail, penitentiary or given criminal sanctions	If in need of supervision, sent to state facility for juveniles
Serves sentence in full, subject to state parole law	Serves until reaching the age of majority	Judge/jury determines sentence	Release date prior to majority age is determined by Youth Board
Punish to deter	Punish to salvage/rehabilitate	Public trial	Private hearing
Strict rules of evidence	Informal procedures	Plea bargaining	State acts in child's best interest
Impartial judge	Judge acting as a wise parent	Release on parole	Released to aftercare

Significant Supreme Court Cases in Juvenile Law:

HALEY V. OHIO, 332 U.S. 595(1948) - The Court held that the due process clause of the 14th Amendment prohibited the use of a coerced confession from a 15-year old juvenile in a juvenile proceeding.

KENT V. UNITED STATES, 383 U.S. 541 (1966) - A juvenile who is certified for adult trial must be given the right to a certification hearing and lawyer during the certification hearing.

IN RE GAULT, 387 U.S. 1 (1967) - Juveniles are entitled to the following safeguards in proceedings where their freedom might be curtailed, e.g., commitment to an institution: right to reasonable notice of the charges, right to counsel, right to confront and cross-examine, and privilege against self-incrimination.

- IN RE WINSHIP, 387 U.S. 358 (1980) - When adjudication of a juvenile could result in confinement, guilt must be proved beyond a shadow of a doubt.
- MCKEIVER V. PENNSYLVANIA, 403 U.S. 528 (1971) - Juveniles are not entitled to the constitutional right to trial by jury.
- DAVIS V. ALASKA, 415 U.S. 308 (1974) - A juvenile witness against an adult criminal defendant could be cross-examined about his prior delinquency and current probation status.
- BREED V. JONES, 421 U.S. 519 (1974) - The constitutional protection against double jeopardy applies to juveniles.
- SMITH V. DAILY MAIL PUBLISHING COMPANY, 443 U.S. 97 (1970) - Makes it a crime to publish the name of a youthful offender because the State's interest to protect the anonymity of the juvenile offender is outweighed by the public's right to be informed by the media.
- FARE V. MICHAEL C., 442 U.S. 707 (1979) - The request by a juvenile, suspected of murder, to see his probation officer (after being given his Miranda warnings) is not equivalent to his asking for a lawyer and, therefore, is not considered an invocation of his right to remain silent.

Presenter:

Roland del Carmen, Ph.D., Professor/Coordinator, Doctoral Program
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"Criminal Prosecution of Kids--Have We Gone Too Far?"

Just like many youth, we (the adults) lack discipline, accountability and responsibility in the juvenile justice system. The system has become a dumping ground for the frustrations and unmet expectations of schools, mental health systems, parents and treatment providers. We are failing by taking the path of least resistance--the transfer of youth to the adult system. We have all overestimated the court's power and have blamed it for social conditions. There is no profile to determine our "throw away"/unsalvageable kids, but it is important to identify each one to highlight our weaknesses and failures. The juvenile justice system has failed to be proactive and the "easy way out" is and/or will cause bankruptcy in the adult system. In order to provide ourselves direction, we must answer the question, "Why should we transfer youth to the adult system?"

Highlights:

- ✓ Anti-social personality traits of juveniles exist on a continuum. In assessments you should look for how much the juvenile reaches "maximum" anti-social personality. You should look for characteristics such as: hyperactivity, history of a traumatic birth, risk taking, temper tantrums, fire setting, cruelty to animals, sees other kids as weaker beings, lack of empathy, low to high intelligences, child abuse, early drug use, sex, delinquency, will not be dominated, etc.
- ✓ Some individuals may not be salvageable. The district attorney, psychologist, social workers, probation officers, etc., have the job of assessing the client and advising the court.
- ✓ There are three levels of service available: education and vocational training, psychological counseling and "passage of time."

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- ✓ For the system to work we must use a balanced approach. Unfortunately, in too many cases, this is not happening or not working.
- ✓ The amenability of treatment of juveniles is inversely proportional to the degree of damage.
- ✓ Many times the court is blamed for social conditions for which it has no control.
- ✓ The Juvenile Justice System is perceived to intervene benevolently, provide a socialization system and protect society; however, it was designed to provide foster care, discipline, socialization, caring, accountability and provide reasonable treatment.

Presenters: (Panel)

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"Cross-Cultural Investigations/Court Reports"

Cross-cultural investigations is related to the cultural diversity of the client(s) and the community. By the year 2000, one-third of the population will be what is now called a minority. Our own cultural heritage directly affects how probation officers and others related to clients. Our heritage affects both the message we send to others and the messages we receive from others. Whether an individual is innocent or guilty, the goal is to obtain factual data. If data are not accurate, we all lose. Therefore, throughout any investigation we must understand each others reports (psychological, educational, PCA's, etc.) and the diversity of those who have participated in the investigation in order to fully understand the "truth."

Highlights:

- ✓ Our understanding of the diversity of our colleagues and clients have an impact on how well we do our job.
- ✓ The definition of culture encompasses values, tradition, social practices, ethnic background, religion, food, climate, language, bias, heritage, art, taboos and morals.
- ✓ Labeling is a form of stereotyping. We label people many times without thinking. This labeling is usually a reflection of our culture.
- ✓ When a person is lying during an interview they usually lose eye contact with the interviewer. It is important, however, to be aware of cultural behaviors, as in some cultures lack of eye contact is not an indication of lying but is normal behavior.
- ✓ Global questioning is sometimes a good strategy to use to get a better understanding of an individual's cultural background. An example of a global question is: "What are typical activities in your neighborhood?"

- ✓ There are 5 billion people in the world today. One out of ten have a skin color that is white. The largest group is Asian and the second largest group is black.
- ✓ In the United States, one out of five children lives below what is considered the poverty line.

Presenters:

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Honorable Janice Brice-Wellington
Prince William Juvenile Court
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"Dealing With Today's Hate Crimes and Criminals"

Hate crimes range from verbal abuse to murder. The Klan Watch Organization found a 24% increase in hate crimes in 1992. It is estimated that by 1999 hate crimes may become the crime of the 20th century. Thirty-three percent of hate crimes are assaults. Those who participate in hate crimes tend to be disenfranchised from societal norms, identify with the far right or left wings and seek to revolt against authority. Two court cases were reviewed in this session which described sentencing enhancements for those involved in hate crimes.

Highlights:

- ✓ FBI and local police are attempting to pool intelligence and track hate crimes in order to keep civil peace in the future.
- ✓ Gang involvement and recruitment are a draw to some kids due to the need to belong.
- ✓ Providing pro-social groups (e.g., 4-H) in which young people can become involved is one effective prevention strategy.
- ✓ It is becoming more important for us all to review our own prejudices. How we work with youth hate crime offenders is affected by these prejudices.

Presenter:

Honorable Linda Chezem
Court of Appeals
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"Firestarters: Can They Be Stopped?"

Every year the country witnesses a tremendous growth in the number of fires set by juveniles. The National Fire Protection Association estimates that 40% of all arson fires are set by juveniles. Kids who set fires fall into three categories: fireplay, crisis fire setters and delinquent firesetters. This session concentrated on the Phoenix, Arizona Fire Department's Youth Firestarter Program. It works with all three types of firesetters. A proactive Learn-Not-To-Burn program was established 14 years ago. A diversionary program for crisis fire setters provides educational and counseling components. The delinquent firesetter program includes a strong message of accountability and a court ordered component. Fire losses have steadily declined since the enhancement of the Youth Firesetter Prevention Program in 1988.

Highlights:

- ✓ Arson is the #1 cause of property damage and 3 out of 10 arrests are youth under 15 years old.
- ✓ Young curiosity firesetters generally do not understand the consequences of their actions.
- ✓ Crisis firesetters generally are acting upon a life or family crisis. It is always important to note what they have set fire to.
- ✓ The delinquent firesetter generally acts as a leader of a small group. They target other people's property, animals, etc. Their behavior usually escalates until an intervention occurs.
- ✓ Education and counseling are stressed in the diversionary program.
- ✓ Firesetters are a very small group of severely abused and/or disturbed youth.
- ✓ Community support has been a key to the success of the Phoenix program.

Presenter:

Carol Gross, Phoenix Fire Department
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"Freedom Program: Commitment Deferred"

The Nevada Freedom Program was developed in Las Vegas in response to a cap placed on commitment beds. The idea was developed by a staff member to deal with the subsequent backup of juveniles in detention. The program uses the "balanced approach" recommended by Maloney and Armstrong and requires both the parents and children to volunteer or consent to be in the program and counseling. The program is very structured. The day program is complemented by electronic monitoring at night, random searches of the home, mandatory attendance in school, drug testing, mandatory homework and community service. The program's weakness is aftercare. The program's strengths are cost savings, and internalization of values by juveniles and their families.

Highlights:

- ✓ Each participant goes through a risk assessment to determine the need for commitment.
- ✓ There are a series of sanctions for participants who commit violations. Those who commit law violations are sent back to corrections.
- ✓ The program lasts for 90-120 days.
- ✓ Some research has shown that involvement for more than 90-120 days does not increase the effectiveness (e.g., reduce recidivism).
- ✓ Nevada is one of the fastest growing states in the nation. As a result they expect a 70% growth in youthful offenders.

Presenter:

Bob Cavakis, Director
 Youth Correctional Services
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"Intensive Supervision: The Key to Aftercare"

Michigan and many other states are running out of institutional space. There has been a 12% increase in juvenile crime and a 46% increase in institutionalization in the past ten years. The costs of juvenile institutionalization is \$65,000 a year in Michigan and community-based placement is \$15,000 per year. A change of philosophy is needed. Family responsibility, work ethic and community involvement need to replace the lock-up mentality. Treatment technology can be applied and used to develop a structured intensive supervision system that can save millions of dollars a year and increase success. Individual needs, appropriateness of placement and public safety are issues to consider in the development of an intensive supervision program. Of the 925 institutionalized youth in Michigan, 700 were eligible for community intensive supervision.

Highlights:

- ✓ The causes of delinquency can be broken into four categories: (1) family disorganization; (2) role strain; (3) subculture in the community, e.g., peer and neighborhood socializations; and (4) psychological stress.
- ✓ Risk assessment rather than needs assessment is the primary basis for placement in an intensive supervision program.
- ✓ Some strategies to consider with intensive supervision included intensive probation supervision, tracking, home detention, electronic monitoring, etc.
- ✓ Core Intervention Strategies (approximately 1 year): (1) securing the youth to get his/her attention (30-60 days) -- conduct needs and risk assessment and begin socialization; (2) day treatment (4-6 months); (3) reintegration/tracking (3 to 4 months) -- move back into the community; (4) transition phase -- transfer to regular probation supervision where the youth exits program with a followup (2 months).

- ✓ In order to be effective in an intensive supervision program a clear distinction must exist between treatment and control.

Presenter:

Milton Robinson, Ph.D.
Central Operations Manager
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"Prevention and Treatment: Comprehensive Programs"

This session provided an overview of one comprehensive prevention and treatment program called the Eckerd Family Youth Alternatives. This program began in 1969 with one Eckerd Camp. Now there are 17 camps and training centers, two challenge programs and two adult programs. The Youth Development Center provides a broad range of services for delinquent youth. These include: secured campuses and staff-secure, traditional programs; comprehensive medical, dental and psychological screenings, specialized groups, individual treatment plans, clinical services, aftercare, community work experiences, educational services and family involvement. One program of interest was the High Five Program which provides college credit to St. Petersburg Community College students who mentor 4th and 5th grade students at risk for criminal activity.

Highlights:

- ✓ The High Five Program uses mentors as positive roles models for students and to assist in improving academic performance.
- ✓ All students are screened to ensure that there have been no previous law violations. They must also attend school on a regular basis.
- ✓ Mentors are carefully screened and must commit to four hours of mentoring a week.
- ✓ A requirement of the High Five program is that the family must be involved. Meetings are held twice monthly with the family, two family retreats are held each year between the family, mentor and program administration and the administrator meets with the family once a month.
- ✓ They try not to focus solely on younger siblings of juvenile delinquents and seek students who have not had "normal" life experiences such as telephone, restaurants, banks, etc.

Presenter:

Larry Baxter, Eckard Family Youth Alternatives
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"The Probation Officer and the Law"

The Gerald Gault and Kent cases were two Supreme Court rulings that laid the ground work for juveniles and the law. The Gault case established due process rights for juveniles and the Kent case established Miranda Rights for juveniles. Both cases involved actions of probation officers. Justice Fortness, the Supreme Court Justice who wrote both rulings, identified the probation officer as a "peace officer" whose primary allegiance is to the State and not to the juvenile. The relevance of this allegiance is that the probation officer no matter how benevolently motivated is not a replacement for legal counsel. Lawyers operate under client privilege whereas a probation officer is required, as a State employee and peace officer, to share any information he/she might have as a matter of record.

Highlights:

A number of questions were discussed in this session. The questions and the cases that set precedence are listed below:

<u>Case</u>	<u>Legal Question the Case Addressed</u>
<u>Kent v. United States</u> , 383 U.S. 541 (1966)	Does the guarantee of due process embodied in the Fifth and Fourteenth Amendments of the United States Constitution require the Juvenile Court to conduct an informal hearing with the assistance of counsel and access to social records before a child may be transferred to the criminal court for prosecution?
<u>In Re Winship</u> , 397 U.S. 358 (1970)	Does the guarantee of due process in the Fourteenth Amendment of the United States Constitution require that the state prove allegations of delinquency beyond a reasonable doubt?
<u>McKeiver v. Pennsylvania</u> , 403 U.S. 528 (1971)	Does the due process clause of the Fourteenth Amendment of the United States Constitution require that children be afforded a trial by jury in the adjudicative phase of a juvenile court delinquency proceeding?
<u>Davis v. Alaska</u> , 415 U.S. 308 (1974)	Does the right of confrontation guaranteed by the Sixth Amendment of the United States Constitution require that a defendant in a criminal proceeding be permitted to cross-examine a juvenile witness against him regarding the witness's status as a juvenile probationer despite a confidentiality provision in the state's Juvenile Act.
<u>Breed v. Jones</u> , 421 U.S. 519 (1975)	Does the proscription against double jeopardy guaranteed by the Fourteenth Amendment of the United States Constitution bar the transfer of a case to the criminal court after there has been an adjudication of the same matter in juvenile court?
<u>Smith v. Daily Mail Publishing</u> , (1979)	Do the First and Fourteenth Amendments of the United States Constitution bar states from making it a crime for a newspaper to publish the name of any child charged as a juvenile offender without the written approval of the Juvenile Court?
<u>Schall v. Martin</u> , 467 U.S. 253 (1984)	Does the guarantee of due process embodied in the Fourteenth Amendment of the United States Constitution bar the pre-trial detention of a juvenile for the purpose of protecting the child and/or society?
<u>New Jersey v. T.L.O.</u> , 469 U.S. 325 (1985)	Does the prohibition against unreasonable searches and seizures embodied in the Fourth Amendment of the United States Constitution apply to searches of students by public school officials?
<u>Coy v. Iowa</u> , 487 U.S. 1012 (1988)	Is the right to confrontation embodied in the Sixth Amendment of the United States Constitution violated by placing a screen between a defendant and an accusatory?
<u>Thompson v. Oklahoma</u> , 487 U.S. 815 (1988)	Does the proscription of cruel and unusual punishment embodied in the Eighth Amendment of the United States Constitution prohibit execution of a defendant who committed first degree murder when he was fifteen years old?

Case	Legal Question the Case Addressed
<u>Deshaney v. Winnebago Co.</u> , 489 U.S. 189 (1989)	Is a child's right to due process under the Fourteenth Amendment of the United States Constitution violated when a CPS worker fails to protect him from abuse by his father?
<u>Perry v. Lyhaugh</u> , 109 S.Ct. 2934 (1989)	Does the proscription of cruel and unusual punishment by the Eighth Amendment of the United States Constitution prohibit capital punishment of mentally retarded persons?
<u>Stanford v. Kentucky</u> , 109 S.Ct. 2969 (1989)	Does the proscription of cruel and unusual punishment by the Eighth Amendment of the United States Constitution bar the execution of persons who commit murder at sixteen or seventeen years of age?
<u>Maryland v. Craig</u> , 110 S.Ct. 3157 (1990)	Is a defendant's right to confrontation under the Sixth Amendment of the United States Constitution violated by permitting a child-witness in a sex abuse case to testify via one-way closed circuit television where there is a finding by the court that the child would be traumatized by the presence of the defendant?

For more information about these cases, contact the National Council on Juvenile and Family Court Judges or your local juvenile or family court.

Presenter:

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"Restitution - Has It Proven Its Worth?"

Restitution and its problems were reviewed with a direct relation to juvenile delinquents. Direct involvement with the victim, "restorative justice" is a new process which involves both restitution and victim service. The balanced approach advocated by Maloney and Armstrong includes accountability, restoring the victims loss, developing competency in order to prepare kids to function in the community as adults, and community protection. A University of Michigan study demonstrated that the juvenile offenders have a lower recidivism rate and their victim(s) as well as the offender feel better when compensation is paid. In order to be successful, the system needs to work in tandem with all parties. Juveniles need jobs, court orders need to be completed successfully and monitoring must be done by the probation officer. In summary, restitution is an attempt to build accountability into the system.

Highlights:

- ✓ The type of sanction invoked on a juvenile also determines the message sent:
 - punishment = the offender is a bad person
 - treatment = the offender is a sick person or it is not the child's fault

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- accountability = actions have consequences; if you have wronged someone through your actions you may be capable of restoring the damages to the victim and community
- ✓ Some of the problems that have arisen related to restitution are: the victim is often forgotten; lack of enforcement tools; often there are too many counselors, probation officers and restitution/community specialist involved; and there is sometimes a fear of juvenile delinquents.
- ✓ Restitution could reduce recidivism by 6-8%, which could equate to millions of dollars saved.
- ✓ If juveniles are incarcerated, the system should ensure that the victim is treated as a "whole" person.
- ✓ Most good restitution programs are run out of probation offices, resources are available for implementation and all parties work together.
- ✓ Individual rather than group restitution sanctions seem to work the best.

Presenter:

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"Results-Oriented Interviewing"

A good interviewer needs to be skilled in both verbal and non-verbal behaviors. An interviewer must realize that emotional/mental pathology affects the way you think and feel, which has a direct impact on inter- and intra-personal relationships. The interviewer must also recognize while he/she is interviewing that he/she is also being interviewed. A person's memory of an incident is only 100% accurate for 10 seconds after the incident. The polygraph interview technique is about 90% accurate. People function in three levels within an interview: physically, emotionally and mentally.

Highlights:

- ✓ An interview is a conversation between at least two people. It is always two directional--never one way. The interviewer is also an interviewee and vice versa.
- ✓ There are two components to any interview: verbal and non-verbal communication.
 - Non-verbal components: body movement or kinesthetics (hands, feet, legs, arms, etc.); proximity behavior (distance or territorial)--social = 5' to 10', personal = 3' to 5', and intimate = 0' to 3'; language (voice tones, volume, inflection); haptic (touch--where, how and when); facial expressions (eyes, mouth and facial muscles); chronemics (use of time--structured or unstructured); and appearance (age, sex, height, dress, etc.)
 - Verbal components: assertive--expression of wants, needs and opinions clearly and directly without violating the rights of others; aggressive--expression of wants, needs and opinions in a way that violates rights of others; and non-assertive--non-expression of wants, needs and opinions because they seem unimportant when compared to wants, needs and opinions of others.

- ✓ Self-touching occurs in an interview when the participant is either tired or is very nervous, which can be an indication of lying.
- ✓ In order to be a good interviewer, you must be able to recognize the emotional stability of the interviewee.
- ✓ Deceptive behavior occurs when an individual protects themselves while lying.

Presenter:

Steve Sampson, Ph.D.
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"San Antonio Boys Village: A Different Model"

Incorporated in 1973 as a not-for-profit community-based organization, Boys Village is one of the most cost-effective programs for working with delinquent youth in Florida. It is a 24-bed residential treatment program for adolescent boys who have been adjudicated delinquent by the courts. Boys Village provides individual and group counseling, requires parental involvement, a GED equivalency program, community service, and a variety of leisure and recreation activities. A unique component to Boys Village is its nursery. The nursery is a licensed wholesale/retail business venture that provides Boys Village clients a well-rounded therapeutic vocational experience.

Highlights:

- ✓ The average age of Boys Village clients is 17 and the average length of stay is six months.
- ✓ Those who work in the nursery are paid minimum wage, half which can go toward restitution.
- ✓ To be employed in the nursery the boys must apply and be interviewed. Working in the nursery is considered a privilege.
- ✓ Residents of Boys Village provide an estimated 5,000 hours of community service annually to area non-profit organizations, the school district and the county government.
- ✓ The goal of the educational program is academic achievement, e.g., literacy competency, and higher education and/or vocational training.

Presenter:

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"Success-Oriented Dispositions"

There is no one answer for everyone. Adolescents are not adults; therefore, providers need to pay attention to what we know about kids. We need to recognize that they generally do not plan ahead and their thinking patterns are not well defined or may need some guided change. Disposition should take into account a juvenile's developmental stage and abilities as well as the problems (social, economic, academic, familial, environmental, etc.) that the juvenile and his/her family face. Dispositions need to be related to the behavior, be timely and have follow through. It is important for adults to be in charge and to hold children responsible for their actions. Dispositions can include such things as community-based programs, residential placements and institutional programs, a range of new initiatives (e.g., boot camps, multiple impact therapy, etc.), and incarceration.

Highlights:

- ✓ Specific goals and outcomes need to be determined for each and every disposition.
- ✓ You should always develop a range of dispositions, remembering not to overuse good programs and not to use unsuccessful programs.
- ✓ Develop an assessment tool to assist in matching the client with the appropriate disposition.
- ✓ In your assessment you need to determine whether you wish to deal with what the client did or why he or she did it.
- ✓ You should provide juveniles choices, as they will learn from the choices they make.
- ✓ In general, programs that promote a positive culture are effective prevention programs.
- ✓ Focus on prevention and diversion in order to increase non-judicial handling of cases.

Presenter:

Chris Card, Executive Director
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"Technology as a Disposition Tool"

In New Jersey, the increase in the number of juveniles entering the court system indicated a need to use technology for intermediate sanctions between probation and incarceration. The program participants include those who have been adjudicated and sentenced to training school, whose parents have agreed to participate, and who have been approved for placement by a board of three judges. A field counselor armed with a laptop computer and a car phone is assigned to each client. These counselors work flexible schedules and conduct spot checks, searches of the client's house and drug screenings. Each client is expected to attend school and complete 16 hours of community service per month. Further control often involves an automatic telephoning system, passive monitoring by electronic bracelets, video telephones and on-the-spot substance abuse testing equipment.

Highlights:

- ✓ Technology is not a replacement for people but a tool to enhance job effectiveness.
- ✓ These "technology-armed" probation professionals are the highest paid in the nation.
- ✓ There are five levels of surveillance: telephone call-around systems, passive system bracelet, radio frequency system, video phones and drug/alcohol systems.
- ✓ Prior to using technology in your program, you should plan how you will use the results.
- ✓ In the New Jersey program, progress reports are given to a citizens advisory board every 60-90 days.
- ✓ Through the use of technology, probation officers are able to access more community resources and work more closely with the police.
- ✓ Staff are not armed; however, they do receive verbal and self-defense training and defensive driving courses.
- ✓ In order to be effective, a proactive public relations campaign should parallel integration of technology into your probation services. You should seek out and use research as the basis of this campaign.

Presenter:

Harvey Goldstein, President
 American Probation and Parole Association
 Assistant Director for Probation
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"Teen Court"

Teen Court is a peer participation program for first time offenders. The premise is that peers can have more impact on first-time offenders by determining the sanctions a youth should receive. A judge presides over the program. Peers play the roles of defense, prosecution and jury. The accused youth has 30 days to successfully complete sanctions determined by the Peer Court. Failure to complete the sanctions will result in being referred to the formal court process.

Highlights:

- ✓ Teen Court was started in Prairie, Texas, eight years ago.
- ✓ It is designed so that each teen learns about the justice system through participation in the process.
- ✓ There is required jury duty for peers. Jury duty allows youth offenders to become part of the process, not just a recipient of the process.
- ✓ The program requires that youth admit to guilt and accept responsibility for his/her actions.
- ✓ The Teen Court alternative will not work without community commitment.
- ✓ The program in Sarasota County has one paid staff member and several volunteers

representing community legal professionals, youth volunteers, and work-site facilitators. Through this structure the program has served 225 youth.

- ✓ The program has been most effective in addressing school-related offenses and minor infractions.

Presenters:

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Katie Self
Director, Teen Court
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"The Youthful Female Offender: The P.A.C.E. Center for Girls"

The P.A.C.E. (Practical And Cultural Education) Center for Girls began in Florida in 1985. The program has provided educational and counseling services to over 1,100 students since its inception. The program is designed to prevent juvenile delinquency, status offenses, high school dropouts, foster care referrals and teen pregnancies. Parent participation is an integral part of the program. P.A.C.E. provides young women with the necessary skills to become independent, self-reliant and productive citizens in the community. Education is the core of P.A.C.E. Upon exit from P.A.C.E. (successful or non-successful) a comprehensive three-year placement and follow-up program begins.

Highlights:

- ✓ Females continue to face a double standard in the justice system. Law enforcement agencies many times charge girls in situations where a young man would not face arrest.
- ✓ Girls tend to internalize victimization and blame themselves for their circumstances, whether it be poverty, pregnancy or abuse.
- ✓ The staff to student ratio is 1:10. Each student is also assigned an advisor who is responsible for compiling an individualized treatment plan, conducting home visits and documenting weekly progress reports.
- ✓ The program receives State funding as well as private donations and is an accredited educational institution.
- ✓ Referrals to P.A.C.E. come from parents, school personnel, judges and child welfare workers.

Presenter:

Vicki Burke, Director
P.A.C.E. Center for Girls
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Brandenton, Florida 34205
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